

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BENOY THOMAS,

Petitioner,

v.

CLAIR DOLL,

Respondent.

No. 4:20-CV-01647

(Judge Brann)

(Magistrate Judge Arbuckle)

**ORDER**

**JANUARY 11, 2021**

Benoy Thomas, an individual detained by the United States Department of Homeland Security, Immigration and Customs Enforcement, filed this 28 U.S.C. § 2241 petition challenging his continued detention in light of the COVID-19 pandemic.<sup>1</sup> On December 21, 2020, Magistrate Judge William I. Arbuckle issued a Report and Recommendation recommending that this Court deny and dismiss without prejudice Thomas' petition, as he failed to demonstrate either a due process violation, or any constitutional violation based upon his conditions of confinement.<sup>2</sup> No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.<sup>3</sup> Regardless of whether timely

---

<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 9.

<sup>3</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>4</sup> After reviewing the record, the Court finds no error—clear or otherwise—in Magistrate Judge Arbuckle’s conclusion that Thomas is not entitled to relief on his conditions of confinement claims, and that his continued detention does not violate his due process rights at this time. Accordingly, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge William I. Arbuckle’s Report and Recommendation (Doc. 9), is **ADOPTED**;
2. Thomas’ 28 U.S.C. § 2241 petition (Doc. 1) is **DENIED** and **DISMISSED** without prejudice;
3. To the extent that one is required, the Court declines to issue a certificate of appealability;<sup>5</sup> and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge

---

<sup>4</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

<sup>5</sup> See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (setting forth legal standard).